Case 5:12-cr-00589-LHK Document 10 Filed 03/22/13 Page 1 of 1

UNITED STATES DISTRICT COURT THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on March 22, 2013. Defendant was present, represented by his attorney Robert Carlin AFPD. The United States was represented by Assistant I Attorney Thomas O'Connell. PART I. PRESUMPTIONS APPLICABLE // The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and the defendant has been convolong of a prior offense described in 18 U.S.C. § 3142(f)(1) while on release pending trial for a federal, state or local offense, and period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonme whichever is later. This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the of any other person and the community. // There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant can offense A for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 80 et seq., § 951 et seq., or § 955a et seq., or Repaired of the defendant as required and the safety of the community. // No presumption applies. PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE // The defendant has not come forward with sufficient evidence to rebut the applicable presumption is 1 to with therefore will be ordered detained. // The defendant has come forward with sufficient evidence to rebut the applicable presumption is 1 to will. Thus, the burden of proof shifts back to the United States. PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE) The United States has proved to a preponderance of the evidence that no condition or combination of condition reasonably assure the appearance of the defendant as required, AND/OR The United States has proved by clear and convincing evidence that no condition or combination of condition reasonably assure the appearance of the defendant as required, AND/OR The United States has proved b	
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he defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of nited States or on the request of an attorney for the Government, the person in charge of the corrections facility shall deliver t	
efendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.	
stendant to the officed banes waishar for the purpose of an appearance in Same even must a court proceeding.	
ated: 3 22 13	
HOWARD R. LLDYD	
United States Magistrate Judge	

AUSA ____, ATTY _____, PTS ____